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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------------|
| 10/608,420 | 06/30/2003 | Peter J. Kight | 23952-0056 | 8085 |
| 72386 | 7590 | 11/15/2007 | | |
| SUTHERLAND II SUTHERLAND, ASBILL & BRENNAN, LLC 999 PEACHTREE STREET ATLANTA, GA 30309 | | | EXAMINER ALVAREZ, RAQUEL | |
| | | | ART UNIT 3622 | PAPER NUMBER |
| | | | MAIL DATE 11/15/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,420

Applicant(s)

KIGHT ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 11, 13-16, 18-28 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 11, 13-16, 18-28 and 30-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 9/13/2007.
2. Claims 1-3, 5, 11, 13-16, 18-28 and 30-37 are pending. Claims 1-3, 5-11, 13-16, 18-28 and 30 have been amended. Claims 31-37 have been added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-, 11, 13-16, 18-28 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan (5,699,528 hereinafter Hogan) in view of Hilt et al. (5,465,206 hereinafter Hilt).

With respect to claims 1, 14, 20, 26, 33, Hogan teaches transmitting, from a service provider via a communications network, first bill information representing a first of the plurality of bills of the plurality of billers for a first payor (Figure 4);

Receiving, at the service provider via the communication network, a first payment instruction from the first payor to pay the first bill based on the transmitted first bill information representing the first bill (Figure 4);

Initiating, at the service provider, a first payment of the first bill to the first biller based on the received bill payment instruction (Figure 4);

Initiating, at the service provider, a second payment to the payee based on the received second payment instruction (i.e. each payors initiates payment instructions to pay their bills).

With respect to the newly added limitation of a second payment instruction from a second payor to pay the payee, wherein the service provider does not transmit second bill information associated with the second payor. Hilt teaches on Figure 4, allowing consumer C to make electronically through payment network 102 based on bills received directly from biller 14. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a second payment instruction from a second payor to pay the payee, wherein the service provider does not transmit second bill information associated with the second payor because such a modification would allow the consumers to pay one-time vendor easily.

With respect to claims 5-7, 18-19, 30 Hogan further teaches that the payee is not one of the plurality of billers and the payment instruction is not one of the plurality of bills represented by the transmitted bill information (i.e. initiating registration service of a new biller and a new payor by the payor accessing a service registration home page. The payor is able to register a new biller)(col. 5, lines 16-52).

With respect to claims 8, 10, 21, 23, 25, Hogan further teaches initiating at the service provider a third payment instruction from the second payor to pay the second bill

based on the transmitted bill information (i.e. the payor can select to pay bill reference# 1 to N)(see Figure 7).

With respect to claim 12 Hogan further teaches initiating at the service provider a third payment instruction from the second payor to pay the second bill based on the transmitted bill information (i.e. the payor can select to pay bill reference# 1 to N)(see Figure 7).

Claims 2-3, 15-17, 27-29, 32, 35, 37 further recite automatically selecting a debit type such as ACH debiting of a deposit account upon the determined risk. Official Notice is taken that it is old and well known to determine risk in order to determine what payment type to accept from a person. For example, if a customer has given bad checks in the past then check payments will not be accepted from that customer in order to avoid further losses. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included selecting a debit type such as ACH debiting of a deposit account upon the determined risk. With respect to automatically debiting, the Examiner wants to point out that automating a manual known process is obvious.

Claims 9, 11, 13, 22, 24 further recite consolidating the payment instructions into a single consolidated payment. Official Notice is taken that it is old and well known in bill payments and the like to consolidate various payments from various payors into a

single batch in order to reduce the processing fees. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included consolidating the payment instructions into a single consolidated payment in order to obtain the above mentioned advantage.

With respect to claims 31, 34 and 36, Hilt teaches directing submission of a negotiable instrument, payable to the one of the first biller or the payee associated with the payment drawn on the deposit account associated with the service provider (Figure 4, 128). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Hilt of directing submission of a negotiable instrument, payable to the one of the first biller or the payee associated with the payment drawn on the deposit account associated with the service provider because such a modification would give the service provider control of the payment instrument.

Response to Arguments

With respect to Applicant's arguments pertaining to the service provider not transmitting second bill information associated with the payee for the second payor, arguments are moot in view of the newly cited reference.

With respect to dependent claims 2-4, 15-17 and 27-29, Applicant argues that the Official Notice taken by the Examiner doesn't teach or suggest the feature of a service provider automatically selecting a debit type based upon the determined risk. The Examiner disagrees with Applicant because the Official Notice taken by the

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Examiner meets the claims limitations of selecting a debit type based upon the determined risk. The Example given by the Examiner was a system that determines the debit types acceptable based on the customer's risk and would select and debit only the debit type such as credit card payment for customer who had given bad checks in the past. For example, when a customer has a credit card account and check account registered with an institution and the customer has given bad checks in the past, the institution will only debit the customer credit card on those cases. With respect to the term automatically, the Examiner wants to point out that automating a well known manual process is obvious.

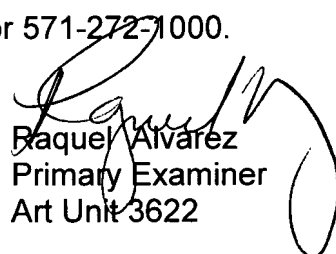
With respect to the Official Notices taken on dependent claims 9, 11, 13, 22 and 24, Applicant argues that the claims may allow payments from a plurality of payors for a payee to be combined into a single payment to that particular payee. The Examiner wants to point out that although in the instant claims the payment consolidation is for payments to a single payee from a plurality of payors, the general notion of consolidation can be applied which allows merging many things into one in order to provide convenience. The notion of consolidation such as consolidating payments as single batch from multiple payors to one payee is old and well known to be used in order to save on processing fees.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
11/1/2007